

**MINUTES OF THE  
BUSINESS AND LABOR INTERIM COMMITTEE**  
Wednesday, June 20, 2012 – 10:30 a.m. – Room 210 Senate Building

**Members Present:**

Sen. John L. Valentine, Senate Chair  
Rep. James A. Dunnigan, House Chair  
Sen. Curtis S. Bramble  
Sen. Gene Davis  
Sen. David P. Hinkins  
Sen. Kevin T. Van Tassell  
Sen. Todd Weiler  
Rep. Jim Bird  
Rep. Derek E. Brown  
Rep. Brian Doughty  
Rep. Susan Duckworth  
Rep. Gage Froerer  
Rep. Eric K. Hutchings  
Rep. Don L. Ipson  
Rep. Todd E. Kiser

Rep. Bradley G. Last  
Rep. Michael T. Morley  
Rep. Dixon M. Pitcher  
Rep. Larry B. Wiley  
Rep. Brad R. Wilson

**Members Absent:**

Rep. Melvin R. Brown  
Rep. Jennifer M. Seelig

**Staff Present:**

Mr. Bryant R. Howe, Assistant Director  
Ms. Patricia Owen, Associate General Counsel  
Ms. Jennifer Christopherson, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Dunnigan called the meeting to order at 10:44 a.m.

**MOTION:** Rep. Kiser moved to approve the minutes of the May 16, 2012 meeting. The motion passed unanimously with Rep. Hutchings absent for the vote.

**2. Alcohol Beverage Control Act Amendments**

Sen. Valentine distributed and reviewed 2012 Fourth Special Session S.B. 4001 "Alcoholic Beverage Control Act Amendments." He said that S.B. 4001 does five things including changing the quotas for full service and limited service restaurants, adding ninety new licences.

Mr. Danny Fuhr, officer, Utah Highway Patrol and the Department of Public Safety, spoke regarding the Driving Under the Influence (DUI) enforcement in S.B. 4001 stating that the intended use of the increased funds is to supplement trooper staffing levels during prime DUI hours.

Ms. Melva Sine, President, Utah Restaurant Association, spoke in favor of S.B. 4001 saying that the number one question people ask when they call her is if they can get an alcohol licence.

Committee discussion followed.

Ms. Francine Giani, Director, Department of Alcohol Beverage Control, in response to questions from the committee, explained that out of the new licences that would become available through S.B. 4001, twenty-five licenses could be immediately granted to businesses now waiting for a license.

Committee discussion followed.

Mr. John Chevalier, owner, The Lighthouse, spoke in opposition to S.B. 4001 and said that it is not right to increase restaurant liquor licences and not look at the need of clubs.

Mr. Rob Reynard, attorney, Buffalo Wild Wings, spoke in favor of the bill stating that Buffalo Wild Wings has four more locations planned to open in Utah later this year.

Mr. Vincent Rampton, attorney, Jones Waldo, spoke in favor and urged the committee to consider whether the ninety new licences is sufficient to meet future demand.

Ms. Jaynie Brown, distributed and discussed "Centers for Disease Control and Prevention MMWR," "CDC Vital signs Binge Drinking," "Recommendations for Reducing Excessive Alcohol Consumption and Alcohol-Related Harms by Limiting Alcohol Outlet Density," and "Evidence-Based Strategies to Prevent Excessive Alcohol Consumption and Related Harms." She spoke to having balance between the positives and the negatives of liquor consumption. She responded to questions from the committee saying that studies show that, when you increase alcohol density, alcohol consumption increases.

President Waddoups spoke in favor of the bill and said that there needs to be a balance between enforcement and economic development. He responded to questions from the committee stating that the responsibility of training the employees would be with the owner and the server should be responsible for their own actions.

**MOTION:** Rep. Ipson moved to adopt 2012 Fourth Special Session S.B. 4001 "Alcoholic Beverage Control Act Amendments" as a committee bill. The motion passed unanimously with Rep. Bird and Rep. Brown absent for the vote.

### **3. Education Requirements for Nursing Licensure Amendments**

Sen. Davis distributed and reviewed 2012 Fourth Special Session H.B. 4001 "Education Requirements for Nursing Licensure Amendments." He explained that H.B. 4001 corrects the accreditation commission named on lines thirty-four and thirty-five.

**MOTION:** Rep. Duckworth moved to adopt 2012 Fourth Special Session H.B. 4001 "Education Requirements for Nursing Licensure Amendments" as a committee bill. Rep. Duckworth withdrew the motion.

Sen. Davis distributed 2012 Fourth Special Session S.B. 4004 "Education Requirements for Nursing Licensure Amendments" and stated that H.B. 4001 has been renumbered to S.B. 4004 with no other changes. He yielded to Rep. Duckworth.

**MOTION:** Rep. Duckworth moved to adopt 2012 Fourth Special Session S.B. 4004 "Education Requirements for Nursing Licensure Amendments" as a committee bill. The motion passed unanimously with Sen. Valentine, Sen. Weiler, Rep. Froerer, Rep. Ipson, and Rep. Wilson absent for the vote.

### **4. Sunset Review: Industrial Accident Restricted Account and Earmark of Certain Premium Tax Revenues to the Account**

Ms. Owen, staff, stated that 2013 General Session draft legislation "Industrial Accident Restricted Account" (2012FL-0068/002), that was distributed in the mailing packet, extends the relevant sunset date by five years, consistent with discussions at the May 16, 2012 Business and Labor Interim meeting.

**MOTION:** Sen. Valentine moved to adopt 2013 General Session draft legislation "Industrial Accident Restricted Account" (2012FL-0068/002) as a committee bill. The motion passed unanimously with Rep. Bird and Rep. Brown absent for the vote.

### **5. Sunset Review: Worker Classification Coordinated Enforcement Council**

Mr. Howe, staff, stated that 2013 General Session draft legislation "Worker Classification Coordinated Enforcement" (2012FL-0067/002), that was distributed in the mailing packet, implements the motion made in the May 16, 2012 Business and Labor Interim meeting to reauthorize the Worker Classification Coordination Enforcement Council for an additional three years.

**MOTION:** Sen. Valentine moved to adopt 2013 General Session draft legislation "Worker Classification Coordinated Enforcement" (2012FL-0067/002) as a committee bill. The motion passed unanimously with Rep. Brown absent for the vote.

## **6. Health Insurance Mandate Review by the Business and Labor Interim Committee**

Mr. Howe gave an overview of "Legislative Interim Committee Review of Health Insurance Mandates" that was distributed in the mailing packet. He explained that the purpose of the review is to determine whether a health insurance mandate should be continued, modified, or repealed.

Mr. Jeffrey Hawley, Research Analyst, Utah Insurance Department, reviewed the "List of Insurance Mandates in Utah" that was distributed in the mailing packet. He stated that there are three classes of mandates that affect the insurance market including coverage, benefit, and provider mandates.

Chair Dunnigan proposed the elimination of the requirement in the statute for a yearly overview of the insurance mandates. He said that the committee should address the mandates as needed.

**MOTION:** Sen. Van Tassell moved to authorize staff to open and prioritize a committee bill file to repeal the review of health insurance mandates by legislative committees. The motion passed unanimously with Sen. Bramble, Sen. Weiler, Rep. Hutchings, Rep. Ipson, and Rep. Wilson absent for the vote.

## **7. Reports to the Business and Labor Interim Committee**

Rep. Dunnigan gave an introduction stating that some of the reports that the Business and Labor Interim Committee is responsible for hearing each year are no longer timely and should be removed from the statutory requirement to be heard by the committee yearly.

Mr. Howe gave an overview of "Scheduled Reports to the Business and Labor Interim Committee and Recommendations for Elimination of Reporting Requirements," which was distributed in the mailing packet, and said that the list includes recommendations from the chairs regarding which reporting requirements should be continued or repealed.

**MOTION:** Sen. Valentine moved to authorize staff to prepare legislation incorporating the chairs' recommendations. The motion passed unanimously with Sen. Bramble and Sen. Weiler absent for the vote.

## **8. Media Sales to Minors When Original Content Rating is Altered**

Rep. Kiser gave an introduction regarding the sale to minors of media that meets certain criteria, including media that has been altered such that the original content rating by the Motion Picture Association of America has been removed.

Ms. Nancy Lord, citizen, distributed copies of unrated DVD's sold and said that any minor can walk into the neighborhood grocery store and find unrated DVD's that were previously R rated. She responded to questions from the committee stating that parents are unaware that their children are purchasing and viewing these films.

Mr. Dave Davis, President, Utah Retail Merchants Association, said that this is a logistics issue and as technology progresses it is going to become less of an issue because there will be less DVD purchases in stores.

Committee discussion followed.

**9. Other Items / Adjourn**

**MOTION:** Sen. Davis moved to adjourn the meeting. The motion pass unanimously with Sen. Valentine, Sen. Weiler, Rep. Froerer, Rep. Ipson and Rep. Wilson absent for the vote.

Chair Dunnigan adjourned the meeting at 12:35 p.m.